

The Honorable John H. Chun

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; and
STATE OF OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United States
of America, et al.,

Defendants.

NO. 2:25-CV-00602-JHC

[PROPOSED] ORDER
GRANTING MOTION FOR
PARTIAL SUMMARY
JUDGMENT

NOTE ON MOTION CALENDAR:
JUNE 26, 2025

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, and upon consideration of Plaintiffs' Motion for Partial Summary Judgment and all the papers filed in support thereof, and any oppositions filed in opposition thereto, the Court concludes that Plaintiff States are entitled to judgment as a matter of law and that there are no disputes of material fact. The Court specifically concludes that section 2(a), section 4(a), section 4(b), section 7(a), and section 7(b) of Executive Order 14,248 are unlawful and unconstitutional. Furthermore, 2 U.S.C. § 7 and 3 U.S.C. § 1 do not preempt Washington or Oregon laws establishing ballot-receipt deadlines.

Accordingly, the Court **GRANTS** Plaintiffs' Motion for Partial Summary Judgment. The Court holds as follows:

(1) Section 2(a) of the Executive Order exceeds the President's constitutional and statutory authority, is *ultra vires*, and violates the constitutional separation of powers. Defendants United States Election Assistance Commission, Chairman Donald L. Palmer, Vice Chair Thomas Hicks, Commissioner Christy McCormick, Commissioner Benjamin W. Hovland, and Executive Director Brianna Schletz, and their officers, agents, servants, and employees (collectively "EAC Defendants") are enjoined from implementing section 2(a) of the Executive Order by taking any steps to require documentary proof of citizenship as part of the national mail-in voter registration form required by 52 U.S.C. § 20508. Because there is a single national mail-in voter registration form, the scope of this injunction is necessary to accord Plaintiff States the relief to which they are entitled. This injunction does not prohibit EAC Defendants from making any other lawful changes to the national mail-in voter registration form.

(2) Section 4(a) of the Executive Order exceeds the President's constitutional and statutory authority, is *ultra vires*, and violates the constitutional separation of powers. EAC Defendants are permanently enjoined from implementing section 4(a) by taking any steps to condition grants to Plaintiff States on rejection of voter registration applications that are not accompanied by documentary proof of citizenship. This injunction does not prohibit EAC

1 Defendants from exercising authority over grants to Plaintiff States in the manner authorized by
2 laws adopted by Congress.

3 (3) Section 4(b) of the Executive Order exceeds the President's constitutional and
4 statutory authority, is *ultra vires*, and violates the constitutional separation of powers. EAC
5 Defendants are permanently enjoined from implementing section 4(b) by taking any steps to
6 decertify voting systems in the manner required by section 4(b) or to revise the Voluntary Voting
7 System Guidelines in the manner required by section 4(b). The scope of this injunction is
8 necessary to accord Plaintiff States the relief to which they are entitled. This injunction does not
9 prohibit EAC Defendants from exercising their lawful discretion to decertify voting systems
10 pursuant existing law and policy. This injunction also does not prohibit EAC Defendants from
11 exercising their lawful discretion to adopt any other changes to the Voluntary Voting System
12 Guidelines.

13 (4) Section 7(a) of the Executive Order exceeds the President's constitutional and
14 statutory authority, is *ultra vires*, and violates the constitutional separation of powers. The
15 Attorney General and the Attorney General's officers, agents, servants, and employees are
16 permanently enjoined from attempting to enforce 2 U.S.C. § 7 or 3 U.S.C. § 1 in a manner that
17 would prevent Plaintiff States from counting otherwise valid votes for federal office that are
18 contained in ballots that are timely under state law.

19 (5) Section 7(b) of the Executive Order exceeds the President's constitutional and
20 statutory authority, is *ultra vires*, and violates the constitutional separation of powers by
21 exercising authority reserved to Congress. EAC Defendants are permanently enjoined from
22 conditioning funding to Plaintiff States on any basis related to Plaintiff States' counting
23 otherwise valid votes for federal office that are contained in ballots that were mailed by election
24 day, to the extent permitted by state law.

25 (6) Plaintiff States are entitled to declaratory judgment that their existing laws are
26 not preempted by 2 U.S.C. § 7 and 3 U.S.C. § 1 ("federal election day statutes"). The federal

election day statutes establish a uniform date for holding general elections for federal office. Plaintiff States' laws comply with this requirement by establishing the first Tuesday after the first Monday in November as the date for federal general elections. Wash. Rev. Code § 29A.04.04.321; Or. Rev. Stat. § 254.056(1). Plaintiff States' laws require that all ballots be cast by election day. Wash. Rev. Code §§ 29A.40.110(4), 29A.60.190; Or. Rev. Stat. § 254.470(6)(c)(B), (8). Because Congress has not enacted a law establishing ballot receipt deadlines, the Elections Clause authorizes the states to establish laws relating to the counting of otherwise valid ballots received after election day.

DATED this ____ day of _____ 2025.

Honorable John H. Chun
United States District Court Judge

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